

CIVIL SERVICE COMMISSION MINUTES

April 19, 2000

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Mary Gwen Brummitt
Roy Dixon
Gordon Austin
Barry Newman - newly appointed Commissioner, observing

Comprising a quorum of the Commission

Absent was:

Sigrid Pate

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES
April 19, 2000

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
5,8,9,11,13		10	

COMMENTS Motion by Austin to approve all items not held for discussion; seconded by Dixon. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda

A. Conference with Labor Negotiators: Commission's designated Representatives Madge Blakey and Larry Abelin re: administrative appeal procedure per **Caloca v. County of San Diego and San Diego County Civil Service Commission**, Superior Court No. 706089.

REGULAR AGENDA
County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and is approved by the President of the Commission.

WELCOME

1. Welcome Barry Newman, Esq., newly appointed Civil Service Commissioner.

MINUTES

2. Approval of the Minutes of the regular meeting of April 5, 2000.

Approved.

CONFIRMATION OF ASSIGNMENTS

3. Commissioner Austin as hearing officer in the appeal of **Beverly Cullen** from an Order of Suspension and Reassignment by the Sheriff's Department. Commissioner Valencia-Cothran previously assigned.

Confirmed.

4. Commissioner Brummitt as hearing officer in the appeal of **Sylvia Peralta** from an Order of Removal from the Superior Court. Commissioner Valencia-Cothran previously assigned.

Confirmed.

SELECTION PROCESS

Complaints

5. Stewart Kocivar, S.E.I.U. Local 535, on behalf of **Esther Rosenberg**, Patient Services Specialist II, Health and Human Services Agency, appealing the Department of Human Resources determination that she is ineligible to compete in the selection process for Patient Services Specialist IV. (See also No. 8 below)

RECOMMENDATION: Deny Request.

Ms. Rosenberg addressed the Commission, requesting a continuance based on two issues: (1) A Union representative was not present; and (2) she believes that DHR had received incorrect information.

Motion by Dixon to continue this matter; seconded by Austin.

Before taking a vote on the above motion, Larry Cook, Executive Officer, explained that he recommended a denial in lieu of a continuance due to the fact that the classification issue is premature at this time. He further explained that Ms. Rosenberg could pursue this matter under Rule 12, and invited her to contact the Commission office should she need procedural assistance regarding Rule XII.

Motion to continue withdrawn by Dixon. Seconded by Austin.

Motion by Austin to approve staff recommendation; seconded by Dixon. Carried.

6. **Eeva Ezquerro**, Senior Account Clerk, Air Pollution Control District, appealing the selection process for the classification of Junior Accountant in the Air Pollution Control District.

RECOMMENDATION: Hold in abeyance pending the outcome of the discrimination investigation addressed in No. 10 below.

Staff recommendation approved.

Findings

7. **Daniel Smith**, appeal of removal of his name by DHR from the employment list for Corrections Deputy Sheriff.

RECOMMENDATION: Ratify item No. 7. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Ratified.

CLASSIFICATION REVIEWS

8. Stewart Kocivar, S.E.I.U. Local 535, on behalf of **Esther Rosenberg**, Patient Services Specialist II, Health and Human Services Agency, requesting a classification review hearing. (See also No. 5 above)

RECOMMENDATION: Deny Request.

Pursuant to discussion in No. 5 above, the Commission accepted staff recommendation.

Motion by Austin to approve staff recommendation; seconded by Dixon. Carried.

DISCRIMINATION

Complaints

9. **Seng Moua**, Protective Services Worker II, Health and Human Services Agency, alleging race, national origin and other non-job related factors discrimination by the Health and Human Services Agency.

RECOMMENDATION: Deny Request.

Mr. Moua asked the Commission to review the documents he submitted for their consideration. Although past the 60-day time limit for filing an appeal, Mr. Moua stated that he was given the Notice of Demotion on the last day before a 30-day planned vacation. Upon returning from vacation, Mr. Moua explained that he began to question and investigate the reasons behind the demotion. It was not until he spoke with a colleague that he suspected discrimination and became aware that he could file an appeal with the CSC.

Barbara Shey, union representative from Local 535 explained to the Commission that discrimination is not always evident at first glance, and sometimes surfaces upon further investigation.

The Commission questioned Mr. Cook as to why staff recommended denial in this matter. Mr. Cook replied that the appeal was untimely and staff maintains its consistent recommendation of denial on late filings. However, Mr. Cook did explain that there are exceptions for good cause (Velez case).

Senior Deputy County Counsel, Ralph Shadwell, explained that it is within the Commission's authority to extend filing deadlines upon the showing of good cause.

Mr. Cook made the observation that the Commission has never granted an exception to a late filing due to a person not being aware of the Rules. He further stated that the Commission could be setting precedent should they grant a hearing.

Motion by Austin to approve staff recommendation; seconded by Dixon. Carried.

10. **Eeva Ezquerro**, Senior Account Clerk, Air Pollution Control District, alleging national origin discrimination by the Air Pollution Control District.

RECOMMENDATION: Assign a Commissioner and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back. (See also No. 6 above)

Staff recommendation approved. Commissioner Dixon assigned as hearing officer.

11. **Farnaz Sharifrazi**, former employee of the Assessor/Recorder/County Clerk's (ARCC) Office alleging race, national origin and gender discrimination by the ARCC. (See also No. 13 below)

RECOMMENDATION: Deny Request. (Continued from the Commission's April 5, 2000 meeting.)

Ms. Sharifrazi and her daughter addressed the Commission regarding the extenuating circumstances surrounding the untimely filing of a Rule VI Investigation alleging various types of discrimination while employed by the ARCC. She alleges that the discriminatory practices resulted in her non-promotion and ultimate lay off.

Deputy County Counsel William Songer and Barbara Zell, Chief Deputy Assessor, responded on behalf of ARCC. Senior Deputy County Counsel, Ralph Shadwell and Larry Cook, Executive Officer, responded to queries brought about by extensive discussion among members of the Commission.

Motion by Austin to approve staff recommendation; seconded by Brummitt. Carried. Dixon No.

INVESTIGATIONS

Complaints

12. Barrett Foerster, Esq. on behalf of **Barton Sheela III, Esq.** and **William Rafael, Esq.** requesting an investigation regarding the selection process for the classification of Alternate Public Defender IV by the Departments of Human Resources and the Alternate Public Defender.

RECOMMENDATION: Approve Letters. (Approval of letters continued from the Commission's April 5, 2000 meeting.)

Staff recommendation approved.

13. **Farnaz Sharifrazi**, former employee of the Assessor/Recorder/County Clerk's Office, requesting an investigation into the conduct and operations of ARCC regarding alleged inappropriate behavior of Office personnel. (See also No. 11 above)

RECOMMENDATION: Deny Request. (Continued from the Commission's April 5, 2000 meeting.)

Motion by Austin to approve staff recommendation; seconded by Dixon. Approved.

OTHER MATTERS

14. Administrative appeal procedure for findings of "sustained" by the Citizen's Law Enforcement Review Board (CLERB) resulting from: **Caloca v. County of San Diego and San Diego County Civil Service Commission**, Superior Court No. 706089. (See Closed Session Item A above)

RECOMMENDATION: Adopt procedure contained in County's final offer to Deputy Sheriff's Association.

Staff recommendation approved.

15. Record Retention - Interim report from staff relating to Civil Service Commission action on July 21, 1999. (Stewart Kocivar, S.E.I.U. Local 535 on behalf of Lloyd Devoe, former Protective Services Worker I in the Health and Human Services Agency).

RECOMMENDATION: Accept interim report.

Staff recommendation approved.

Extension of Temporary Appointments

16. Agriculture Weights and Measures

1 Agriculture Standards Inspector (Maria Anzaldo)

RECOMMENDATION: Ratify item No. 16.

Item No. 16 Ratified.

17. Public Input.

ADJOURNMENT: 3:50 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE MAY 17, 2000.